

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ERIC SCOTT FRAZIER,

Petitioner,

v.

CIVIL ACTION NO. 5:09-cv-00711

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER
ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

The Court has reviewed *Petitioner's Motion for Consideration for Early Release Pursuant to 28 U.S.C. § 2241(a)* (Document 2) and the Letter-Form Supplement to the Petition for Habeas Corpus relief (Document 4). This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). (Document 3). On June 1, 2012, the Magistrate Judge submitted Proposed Findings and Recommendation ("PF&R") (Document 6), wherein it is recommended that this Court dismiss this action as moot, in light of the Petitioner's release from custody and the absence of collateral consequences.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989);

United States v. Schronce, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). Objections to the PF&R in this case were due on June 18, 2012. To date, no party has filed any objections to the Magistrate Judge’s Proposed Findings and Recommendation. As noted in the PF&R, Petitioner appears to have been released from custody on July 29, 2011. Inasmuch as Petitioner did not provide the Clerk’s Office with a forwarding address, the PF&R sent to him on June 1, 2012, was returned as undeliverable. (Document 7).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation, and **ORDERS** that Petitioner’s *Motion for Consideration for Early Release Pursuant to 28 U.S.C. § 2241(a)* (Document 2) be **DISMISSED**. The Court further **ORDERS** that this matter be removed from the docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: June 21, 2012


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA